



Massachusetts Department of Elementary and Secondary Education

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Mitchell D. Chester, Ed.D.
Commissioner

MEMORANDUM

To: Members of the Board of Elementary and Secondary Education
From: Mitchell D. Chester, Ed.D., Commissioner
Date: March 13, 2015
Subject: Ensuring Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning (LGBTQ) Students

At the December 2014 meeting of the Board of Elementary and Secondary Education, the Safe Schools Program for Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning (LGBTQ) Students, a joint initiative between the Department of Elementary and Secondary Education and the Massachusetts Commission on LGBTQ Youth (Commission), made a presentation to the Board. The Commission asked the Board to review and endorse a set of [Recommendations on the Support and Safety of Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Students](#)¹.

The proposed recommendations are intended to provide an updated set of best practices to guide schools in ensuring a safe and supportive climate for LGBTQ students. At the Board's request, we have reviewed the recommendations proposed in December and, in consultation with the Commission, revised them to align with applicable policies as well as current law and regulations, including the Regulations Governing Access to Equal Educational Opportunity, [603 CMR 26.00](#)².

I recommend that the Board vote at the March 24 meeting to endorse the following nine principles, which reflect current legal requirements and best practices. Items 1 through 4 are substantially the same as the recommendations that the Board endorsed in 1993 on safe schools for gay and lesbian students, although the first two items on the list have been updated to be consistent with current legal requirements. Items 5 through 9 are new and reflect current law and best practices:

- 1. Schools must have policies, and update them as needed, protecting LGBTQ students from harassment, violence, and discrimination based on LGBTQ status, to ensure compliance with the law.**

¹ <http://www.doe.mass.edu/boe/docs/2014-12/item4.html>

² 603 CMR 26.00: Access To Equal Educational Opportunity,
<http://www.doe.mass.edu/lawsregs/603cmr26.html?section=all>

In light of the amended Student Anti-discrimination Law, G.L. c. 76, §5, which includes sexual orientation and gender identity as protected categories, and in order to ensure these protections are understood throughout all Massachusetts schools and districts, school and district non-discrimination policies must be reviewed and updated as necessary to include sexual orientation and gender identity. In addition, schools are encouraged to adopt policies and practices based on the Department's *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment: Nondiscrimination on the Basis of Gender Identity*.

2. Schools must include content about violence and suicide prevention related to LGBTQ students in their required training for school personnel.

The regulations addressing the Student Anti-discrimination Law require the school committee and superintendent to provide in-service training for all school personnel at least annually regarding the prevention of discrimination and harassment based upon race, color, sex, gender identity, religion, national origin, and sexual orientation, and the appropriate methods for responding to such discrimination and harassment in a school setting. *See*, 603 CMR 26.07(3).

The Massachusetts Anti-bullying Law states that the content of anti-bullying professional development shall include developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; and research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment. *See*, G.L. c. 71, §37O(d)(4).

Training for personnel should include the particular issues that lead to LGBTQ students being harmed or harming themselves, as well as the factors that promote healthy outcomes and resilience in LGBTQ students. The trained staff should include educators, administrators, school nurses, counselors, librarians, cafeteria workers, custodians, administrative assistants, bus drivers, athletic coaches, activity advisors, all support staff, and paraprofessionals.

3. Schools are encouraged to offer school-based groups for LGBTQ and heterosexual students.

Research consistently finds that participation in gay-straight alliances or gender and sexuality alliances (GSAs) is central to positive youth development and resilience.

In order to support students who may be isolated and at high risk for suicide, as well as to offer them meaningful leadership opportunities, middle and high schools should establish groups where all students, LGBTQ and heterosexual, may meet on a regular basis to discuss LGBTQ issues in a safe environment. These GSAs should be open to all students and should have a faculty advisor and support from the school administration. GSA student leaders and adult advisors are encouraged to participate in the Massachusetts GSA Leadership Council, which is modeled on the Student Advisory Council to the Board of Elementary and Secondary Education and consists of a statewide leadership

council and five regional councils.

4. Schools are encouraged to provide support for family members of LGBTQ students.

A key determinant of LGBTQ student health is parental acceptance and family support. Student support teams, guidance staff, and community partners should provide resources to help families and students locate counseling, information, and support services.

Administrators and guidance staff should be familiar with the practices recommended in the Department's *Guidance on Notifying Parents When a Student Has Been Bullied Based on Sexual Orientation or Gender Identity/Expression*, including designing an appropriate parental notification process for these situations.

5. School districts are encouraged to designate a staff member who is proficient in issues related to sexual orientation and gender identity.

All school districts should designate a person who is proficient on issues related to sexual orientation and gender identity, as recommended in the Department's *Guidance on Notifying Parents When a Student Has Been Bullied Based on Sexual Orientation or Gender Identity/Expression*. In addition to assuming a leadership role in educating the school community regarding these topics, this person serves as the point person for the school district and for the Department.

6. Schools, through their curricula, shall encourage respect for the human and civil rights of all individuals, including LGBTQ individuals.

The regulations addressing the Student Anti-discrimination Law state: *All public school systems shall, through their curricula, encourage respect for the human and civil rights of all individuals regardless of race, color, sex, gender identity, religion, national origin or sexual orientation. See, 603 CMR 26.05(1).*

Research shows that inclusion of LGBTQ topics in curricula corresponds to all students reporting that they feel safer in school, regardless of sexual orientation or gender identity. Curricula should reflect issues of sexual orientation and gender identity, as relevant, to be inclusive across subject areas, including, but not limited to, health, social science, language arts, and family life curricula.

7. Schools are encouraged to provide age-appropriate information about LGBTQ issues in school libraries and in student and faculty resource centers.

School libraries should include a selection of high interest LGBTQ books and media. In addition, computer-filtering software should not inhibit age-appropriate access to medical and social information. Schools are encouraged to review the computer filtering protocol to ensure that LGBTQ students and other school community members can access information related to LGBTQ youth, local and national resources, and LGBTQ health information.

8. Schools are encouraged to have a diverse workforce.

In order to provide authentic role models for all students, schools are encouraged to have diverse staff who reflect the protected categories in the Student Anti-discrimination Law, including gender identity and sexual orientation. While employers cannot inquire about an applicant's sexual orientation or gender identity, it is important that school systems have work environments where openly LGBTQ staff members feel safe, supported, and valued.

9. Schools are encouraged to review academic and non-academic policies and procedures, and available data, to identify issues or patterns that may create barriers to a safe and successful learning experience for LGBTQ students.

LGBTQ youth are frequently cited as being disproportionately at risk for experiencing bullying, truancy, violence, substance use, unaccompanied homelessness, discipline treatment, and involvement with the juvenile justice system. Schools are encouraged to analyze available attendance, suspension, expulsion, bullying, and school climate data to identify and address patterns and barriers that may exist for LGBTQ students, and to promote practices that improve their attendance and participation in school.

In 2014 the Massachusetts Anti-bullying Law was amended to require annual reporting of bullying incident data, including the nature of the bullying incidents, to the Department. In addition, school systems should review their referrals to community-based services and law enforcement agencies to see if LGBTQ youth are disproportionately affected, and implement changes to address any disparities.

Schools should also review policies and practices, such as those recommended in the Department's *Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment: Nondiscrimination on the Basis of Gender Identity*, which affect the school experience of LGBTQ students.

I believe this set of nine principles will assist schools in creating safe and supportive learning environments for all students. I recommend that the Board vote to endorse these principles. The Department would then publish them and continue to work with schools, communities, and our partner agencies to promote safe and supportive learning environments in which all students can learn and thrive.

Associate Commissioner John Bynoe, Deputy General Counsel Dianne Curran, and Jeff Perrotti, Director of the Safe Schools Program, will be at the March 24 meeting to answer any questions.

Enclosure: Motion